

**Enrolled Minutes of the Sixty-sixth Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Special Meeting
Monday, July 16, 2018**

The Special Meeting of the Highland Town Council was called to order at 6:35 p.m. at the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana, in the plenary meeting chambers. The Town Council President, Mark A. Herak, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with the Town Council President leading the Pledge of Allegiance to the Flag of the United States of America.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Konnie Kuiper, and Dan Vassar. Councilor Steve Wagner was absent with prior notice. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Officials Present: Rhett L. Tauber, Town Attorney; and Kathy DeGuilio-Fox were also present.

Additional Officials Present: Sue Murovic, Advisory Board of Zoning Appeals; Larry Kondrat, Board of Waterworks Directors; and Ed Dabrowski, IT Consultant (contract) were also present.

Special Orders:

1. Ratification of special meeting, pursuant to **HMC Section 2.05.103(F) and Executive Session, pursuant to HMC Section 2.05.103(G).**

Councilor Vassar moved to ratify and approve the scheduling of the Town Council Special Meeting for July 16, 2018 at 6:30 p.m. and for an Executive Session to be convened at 8:15 p.m. for reasons of considering the status of an employee as stated in IC 5-14-1.5-6.1(b)(6). Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The meetings were ratified and approved.

2. **Proposed Ordinance No. 1682:** An Ordinance to Amend Chapters 10.30 and 10.35 of the Highland Municipal Code Relating to Motor Vehicles and Traffic, Providing for the Enforcement Thereof, Repealing All Ordinances in Conflict Therewith, and Declaring an Emergency.

Councilor Zemen introduced and moved the consideration of Ordinance No. 1682 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of its introduction.

Councilor Zemen moved the passage and adoption of Ordinance No. 1682 at the same meeting of its introduction. Councilor Kuiper seconded. Upon a roll call vote, a two-thirds vote being necessary, there were four affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of its introduction.

**ORDINANCE No. 1682
of the
TOWN of HIGHLAND, INDIANA**

AN ORDINANCE to AMEND CHAPTERS 10.30 AND 10.35 of the HIGHLAND MUNICIPAL CODE RELATING to MOTOR VEHICLES and TRAFFIC, PROVIDING for the ENFORCEMENT THEREOF, REPEALING ALL ORDINANCES in CONFLICT THEREWITH, and DECLARING an EMERGENCY

WHEREAS, The Traffic Safety Commission has conducted a study and investigation as to the amendments to Chapter 10.30, and Chapter 10.35 of the Highland Municipal Code within the Town of Highland;

WHEREAS, The Traffic Safety Commission at recent meetings did recommend certain amendments to the Highland Municipal Code particularly regarding additions to the Traffic Schedules, and the Parking Schedules;

WHEREAS, I.C. 9-21-1 *et sequitur* authorizes the Town of Highland, through its Town Council as a local authority to adopt local regulations regarding traffic; and

WHEREAS, I.C. the Town Council is interested in amending the appropriate Traffic and Parking Schedules to protect the public health, safety and welfare with regard to traffic and parking control; and

WHEREAS, It would be and is in the best interest of the Town of Highland, and in the best interest of the public health and safety to amend the following section of the Highland Municipal Code,

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Ordinance No. 1679 adopted on July 9, 2018 be repealed in its entirety;

Section 2. That Section **10.30.010**, Schedule I "*Traffic Control Signals at intersections*" of the Highland Municipal Code be amended by **adding to the existing schedule** the following:

Intersection	Ord. No.	Date Passed
45 th Street at Highland and Griffith Bicycle and Pedestrian Trails	1679	07/16/2018

Section 3. That Section **10.30.110**, Schedule IX "*No Left Turn*" of the Highland Municipal Code be amended by **adding to the existing schedule** the following:

Street	Location	Ord. No.	Date Passed
Indianapolis Boulevard, at 9425 Indianapolis	Signage posted at the <i>exit</i> from the car wash at the site.	1679	07/16/2018
Martha Street at 9010 Indianapolis Boulevard	Signage posted at the <i>east entrance/exit</i> onto Martha Street from the restaurant.	1679	07/16/2018

Section 4. That Section **10.35.020**, Schedule II "*Parking for Persons with Disabilities*" of the Highland Municipal Code be amended by **adding to the existing schedule** the following:

Street or Place	Location	Ord. No.	Date Passed
Saric Drive	9524 Saric Drive	1679	07/16/2018

Section 5. That Section **10.35.40**, Schedule III "*Parking Prohibited at all Times*" of the Highland Municipal Code be amended by **adding to the existing schedule** the following:

Street	Location	Side	Ord. No.	Date Passed
99 th Street	2900 block near Warren Elementary School -receiving driveway on the north side of campus – with signage to be posted 20 feet on each side of the drive apron	South side	1679	07/16/2018

Section 6. That Section **10.35.080**, Schedule VII "*15 minute parking*" of the Highland Municipal Code be amended by **adding the** following:

Street	Location	Side	Time Period	Ord. No.	Date Passed
2945 Jewett Avenue	The first parking space facing Ridge Road across from the business, closet to Fifth Street, signage posted.	South side	Always	1679	07/16/2018

Section 7. That the proper officer be hereby directed to erect appropriate signs, properly citing the traffic or parking regulation herein, to support the enforcement of the provisions herein and to further remove those signs where appropriate as well;

Section 8. That all provisions of ordinances in conflict with the provisions hereof are hereby repealed.

Section 9. That this ordinance shall become and be in full force and effect from and after its adoption, passage and **two (2) weeks** following its publication in the manner prescribed by law and until its subsequent amendment or repeal by proper ordinance, all pursuant to IC 36-5-2-10(c).

Introduced and Filed on the 16th Day of July 2018. Consideration on same day or at same meeting of introduction sustained a vote of 4 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 16th Day of July 2018, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

/s/ Mark A. Herak, President (IC 36-5-2-10)

ATTEST:

/s/Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-42-4-1; IC 36-5-6-5)

3. Proposed agreement with Predevelopment and Construction Services Agreement between The Russell Construction Company, Inc. and the Town of Highland by and through its Town Council (as Works Board) as well as its Redevelopment Commission.

Councilor Vassar moved to approve the Predevelopment and Construction Services Agreement. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and no negatives. The motion passed. The agreement was approved.

PRE-DEVELOPMENT AND CONSTRUCTION SERVICES AGREEMENT

This Agreement is made and entered into as of July 16, 2018 (the "Effective Date") by and between Russell Construction Co., Inc., an Iowa corporation ("Russell") and the Town of Highland, by and through its Town Council and Redevelopment Commission, an Indiana municipal entity ("Highland").

WHEREAS, Highland wishes to engage Russell to provide the services described herein; and

WHEREAS, Russell agrees to provide the services in accordance with the terms and conditions contained in this Agreement.

NOW THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, accepted and agreed to, Highland and Russell, intending to be legally bound, agree to the terms set forth below.

1. **Services.** Russell agrees to provide the following services for the design, pricing and construction of a 45,000 +/- square feet public works facility (the "Services") to be located off Cline Avenue in Highland, Indiana (hereinafter the "Project"):

Scope of Services:

- Preliminary Code and Zoning Review
- Programming session with Town
 - Interviews with Public Works staff
 - Visual review of current operations
 - Verify, refine and validate draft program provide by Town
 - Preparation of final program spreadsheet to define building areas and site elements required for the Public Works operation
 - Identify any specialty systems, equipment or requirements that should be accounted for in the facility
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- **Concept Design**
 - Develop two conceptual site plan options for consideration and review with Town
 - Define site & facility relations and flow
 - Prepare basic conceptual building plans and exterior elevation/rendering showing general massing/materials
 - Propose initial building materials & major systems
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Review with Town

- Complete onsite review of Concept with Town
- Solicit feedback based on Concept
- Based on meeting and feedback finalize site plan and building plan
- Facilitate sign off by Town of final concept

2. **Relationship and Intention of the Parties.** Russell represents that it is an independent contractor and that it is familiar with the type of Services it is undertaking. Upon conclusion of the Services being provided, Highland intends to cause Russell to construct a 45,000 +/- square feet public works facility, which Russell, or its assigns, shall own and lease to Highland by separate lease agreement, or sell to Highland by an installment sales contract. Execution of a lease or construction contract shall not be a condition precedent to Highland's payment obligations hereunder.

3. **Expenses.** Russell will incur expenses in connection with and related to the Services in an amount not to exceed Forty-Five Thousand Five Hundred Dollars (\$45,500.00) provided in accordance with this Agreement. Highland acknowledges and agrees that it shall be responsible for payment and reimbursement of said expenses incurred by Russell for the Project, which shall be billed to Highland no more than monthly.

4. **Governing Law.** This Agreement shall be governed and construed under and interpreted in accordance with the laws of the State of Iowa without giving effect to the doctrine of conflict of laws.

5. **Severability.** In case any one or more of the provisions or parts of a provision contained in this Agreement shall, for any reason, be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision or part of a provision of this Agreement; and this Agreement shall, to the fullest extent lawful, be reformed and construed as if such invalid or illegal or unenforceable provision, or part of a provision, had never been contained herein, and such provision or part reformed so that it would be valid, legal and enforceable to the maximum extent possible.

6. **Assignment.** Highland shall not have the right to assign its rights or obligations under this Agreement without prior written consent of Russell.

7. **Headings.** Headings and subheadings are for convenience only and shall not be deemed to be a part of this Agreement.

8. **Amendments.** This Agreement may be amended or modified, in whole or in part, only by an instrument in writing signed by all parties hereto.

9. **Entire Agreement.** This Agreement constitutes the entire agreement of the parties, and supersedes all prior agreements, oral or written, with respect to the subject matter of this Agreement.

10. **Counterparts.** This Agreement may be executed in two or more counterparts, each of which shall constitute an original and all of which shall be deemed a single agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year first above written.

RUSSELL CONSTRUCTION CO. INC., an Iowa corporation

By: _____

Name:

Title:

TOWN OF HIGHLAND, an Indiana municipal entity

By: /s/ Mark A. Herak

Name: Mark A. Herak

Title: Town Council President

HIGHLAND REDEVELOPMENT COMMISSION, an Indiana municipal entity

By: _____

Name: Bernie Zemen

Title: President

Adjournment. There being no further business for the special meeting, Councilor Vassar moved to adjourn. Councilor Kuiper seconded. Upon a vote *viva voce*, the Special meeting of the Town Council of Monday, July 16, 2018 adjourned at 6:42 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer